IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3791 OF 2005

Jugnu Parshuram Mhatre. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri V.V.Purvant for the Applicant.

Shri R.Y.Mirza, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 20th June, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. The Applicant relies on the order dated 9th June 2005 passed by this Court in Criminal Application No.3351 of 2005 and claims parity.

3. The offence registered against the Applicant and other co-accused is under section 302, 326, 323, 143, 147 and 148 of the Indian Penal Code and under sections 3 and 25 of the Arms Act read with section 37(1) and 135 of the Bombay Police Act, 1951. He submitted that the alleged role played by the Applicant is more or less identical to the role played by the Applicant in Criminal Application No.3351 of 2005.

4. After having heard the learned Counsel appearing for

the parties, it is crystal clear that the Applicant will be entitled to parity especially when no criminal antecedents of the Applicant are brought on record. A perusal of the F.I.R. shows that the role played by the Applicant herein and the Applicant in Criminal Application No.3351 of 2005 is identical. The allegation against both of them is that they assaulted the victim Prakash by using bamboo sticks.

5. Hence the Applicant is entitled to be enlarged on bail by reason of parity. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.I-117 of 2005 registered with Mumbra Police Station on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with two local sureties in the like amount.

(ii) The bail is granted subject to further condition that the Applicant will not enter the area falling within the jurisdiction of Mumbra Police Station till the disposal of the trial without permission of the Sessions Court.

(iii) The Applicant shall not attempt to influence the prosecution witnesses and shall not tamper with the evidence in any manner whatsoever.

(iv) Application is disposed of in the above terms.

Judge.